

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 10/30/24

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

-v-

No. 17-CR-438

EDWIN ARAUJO,

Defendant.
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VALERIE CAPRONI, District Judge:

ORDER

On May 2, 2019, Edwin Araujo (“Defendant”) was sentenced principally to a term of imprisonment of 125 months following his plea of guilty to charges relating to participating in a racketeering enterprise, in violation of 18 U.S.C. § 1962 (d). The Defendant’s sentencing guidelines range was 100 to 125 months, based on an offense level of 27 and a criminal history category of IV. The Bureau of Prisons currently projects that the Defendant will be released from prison on April 7, 2029.

Effective November 1, 2023, in its Amendment 821, the United States Sentencing Commission (“Sentencing Commission”) amended the United States Sentencing Guidelines Manual in two respects. Part A amends Guidelines § 4A1.1, by reducing from two (2) points to one (1) point the upward adjustment for offenders who committed the instant offense while under any criminal sentence, and by limiting this adjustment to defendants who received seven (7) or more criminal history points. Part B amends Guidelines § 4C1.1, by providing a 2-level offense level reduction for offenders with zero (0) criminal history points who meet specified eligibility criteria. The Sentencing Commission made these amendments retroactive effective November 1, 2023.

On October 30, 2024, Defendant moved for a reduction in his sentence. *See* Dkt. 907. The Probation Department has issued a report indicating Defendant is eligible for a reduction. *See* Dkt. 890.

IT IS ORDERED that no later than November 20, 2024, the Government shall file a statement of its position on the motion for modification of the Defendant's sentence. The Government's response should include Defendant's disciplinary history.

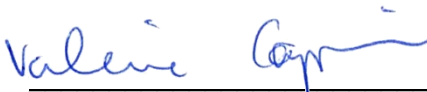
IT IS FURTHER ORDERED that the Defendant shall file his response, if any, no later than December 11, 2024.

The Court's intention, unless it orders otherwise, is to resolve this motion based on the parties' written submissions.

The Clerk of Court is respectfully directed to mail a copy of this order to Defendant at Reg. 69460-054, FCI Herlong, P.O. Box 800, Herlong, CA 96113.

SO ORDERED.

Dated: October 30, 2024
New York, New York



VALERIE CAPRONI
United States District Judge